

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KARL JULIUS JAMES,

Petitioner,

MEMORANDUM

08-cv-568-bbc

v.

MICHAEL THURMER,

Respondent.

In an order dated November 6, 2008, I denied petitioner leave to proceed in forma pauperis on appeal in this case because he has struck out under 28 U.S.C. § 1915(g) and does not qualify for the imminent danger exception to that statute. His appeal of that order is currently pending in the court of appeals. Now petitioner has submitted a check in the amount of \$3.00 and asks the clerk of court to use those funds to send copies of the notice of appeal to respondent and the clerk of the court of appeals pursuant to Fed. R. App. P. 3(d). Because this court utilized its electronic filing system to send copies of the notice of appeal to the Attorney General's Office and the court of appeals, it is not necessary to use petitioner's funds to make hard copies. However, because petitioner continues to owe his \$350 filing fee in this case, the clerk of court is directed to apply the \$3.00 check to that

filings fee.

Entered this 17th day of February, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge